

Message Text

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C O N F I D E N T I A L TEGUCIGALPA 0308

E.O. 11652: GDS
TAGS: PGOV, PINT, HO
SUBJECT: HONDURAS NEW ELECTORAL LAW

REF: (A) TEGUCIGALPA 0043, (B) 77 TEGUCIGALPA 6034

1. HONDURAS NEW ELECTORAL LAW WAS APPROVED BY CABINET DECREE 527 OF DECEMBER 27, 1977 AND ENTERED INTO EFFECT ON JANUARY 1. THE LAW WAS DRAFTED BY THE CHIEF OF STATE'S ADVISORY COUNCIL AND APPROVED, AFTER REVIEW AND SOME EDITING, BY THE SUPERIOR DEFENSE COUNCIL (SDC) OF THE ARMED FORCES. IT IS NOW BEING INTENSIVELY STUDIED BY THE POLITICAL PARTIES AND OTHER ORGANIZED GROUPS. ALL OF THESE CAN BE EXPECTED TO PROVIDE RUNNING COMMENTARY AND ANALYSIS OVER THE NEXT SEVERAL WEEKS BEFORE SETTLING DOWN TO BEGIN SERIOUS POLITICAL ORGANIZING. INITIAL REACTION HAS BEEN GENERALLY FAVORABLE. CRITICISM HAS, HOWEVER, BEEN VOPPED OVER THE FAILURE OF THE LAW TO SET A SPECIFIC DATE FOR ELECTIONS AND THAT ELABORATION OF THE ELECTORAL LISTS WILL TAKE LONGER THAN EXPECTED.

2. THE ELECTORAL LAW PROVIDES, IN ESSENCE, THE FRAMEWORK WITHIN WHICH THE COUNTRY WILL ELECT REPRESENTATIVES TO A CONSTITUENT ASSEMBLY, PROBABLY IN 1979. THAT ASSEMBLY WILL ADOPT A NEW CONSTITUTION AND EITHER ARRANGE FOR ANOTHER ROUND OF ELECTIONS, FOR CONGRESS AND PRESIDENT, OR (MORE LIKELY) DECLARE ITSELF TO BE THE CONGRESS AND ALSO ELECT THE PRESIDENT.
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THERE ARE PRECEDENTS IN HONDURAS' RECENT HISTORY FOR EITHER ALTERNATIVE.

3. THE LAW CONSISTS OF 243 ARTICLES, DIVIDED INTO TEN TITLES AND NUMEROUS CHAPTERS REGULATING VOTING ELIGIBILITY, POLITICAL PARTY ORGANIZATION, INDEPENDENT CANDIDATES, PUBLIC MEETINGS AND PROPAGANDA, THE NATIONAL ELECTORAL TRIBUNAL, LOCAL

TRIBUNALS, AND AN ELECTORAL CENSUS.

THE LAW REQUIRES INTERNAL DEMONCRATIZATION
OF THE POLITICAL PARTIES BASED ON PROPORTIONAL REPRESENTATION
OF THE VARIOUS IDEOLOGICAL CURRENTS WITHIN EACH PARTY. IT ALSO
PROVIDES FOR THE DIVISION OF SEATS IN ELECTIONS ON A PROPORTIONAL
BASIS WITHIN EACH DEPARTMENT. FULL TEXT BEING POUCHED TO
ARA/CEN/H.

4. FOLLOWING IS A RESUME OF THE MORE IMPORTANT ARTICLES:

A. THE LAW SPECIFICALLY ESTABLISHES THAT THE ELECTIONS
ARE TO BE ONLY FOR DEPUTIES TO A NATIONAL CONSTITUTENT ASSEMBLY
(ARTICLE 1). AS SUCH, THE PREVIOUS PROHIBITION AGAINST ANY
PERSON WHO HAS OCCUPIED THE POSITION OF CHIEF OF STATE OR
COMMANDER OF THE ARMED FORCES WAS DROPPED AS NO LONGER
RELEVANT. THE ASSEMBLY, WHEN DRAFTING THE NEW CONSTITUTION,
CAN CONSIDER THIS PROPOSITION AGAIN.

B. ARTICLE 17 REQUIRES THAT POLITICAL PARTIES INCLUDE IN THEIR
LEADERSHIP AND OFFICIAL BODIES ALL THE
GROUPS OR MOVEMENTS WITHIN THE PARTY, ON A PROPORTIONAL BASIS.
THIS PROPORTIONAL PRINCIPLE MUST ALSO BE APPLIED WHEN NOMINATING
CANDIDATES FOR THE ASSEMBLY.

C. ARTICLES 13, 14, 15 PROHIBIT NON-DEMOCRATIC PARTIES,
THOSE WHICH ESPOUSE DOCTRINES CONTRARY TO DEMOCRATIC PRINCIPLES
OR SUBORDINATE TO INTERNATIONAL OR FOREIGN ORGANIZATIONS.
THESE ARTICLES ARE BEING INTERPRETED AS PROHIBITING COMMUNIST
PARTY PARTICIPATION.

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D. NEW PARTIES CAN BE FORMED UPON APPROVAL OF THEIR
CONSTITUTION AND THE PRESENTATION OF PETIONS CONTAINING 10,000
SIGNATURES TO THE NATIONAL ELECTORAL TRIBUNAL (ARTICLE 23).

E. INDEPENDENT CANDIDATES ARE ALSO PERMITTED IF THEY HAVE
OBTAINED THE SUPPORT OF AT LEAST ONE PERCENT OF THE REGISTERED
VOTERS IN THEIR DEPARTMENT.

F. A NATIONAL ELECTORAL TRIBUNAL IS FORMED WITH ONE
REPRESENTATIVE EACH FROM THE LIBERAL (PLH), NATIONAL (PNH),
INNOVATION AND UNITY (PINU), AND CHRISTIAN DEMOCRATIC (PDCH)
PARTIES, PLUS A DESIGNEE OF THE SUPREME COURT. WHILE THE
PREVIOUSLY UNRECOGNIZED PINU AND PDCH SIT ON THE TRIBUNAL, THEY
MUST COMPLETE THE INSCRIPTION PROCESS FOR RECOGNITION WITHIN ONE
YEAR OR LOSE THEIR SEATS. THE PLH AND PNH ARE CONSIDERED TO
ALREADY BE INSCRIBED. ALL FOUR PARTIES ALSO HAVE ONE YEAR TO REFORM
THEIR STATUTES ACCORDING TO ARTICLE 17 OF THE LAW.

G. A NATIONAL REGISTER WILL BE ESTABLISHED TO BE USED AS THE
BASIS OF A NATIONAL ELECTORAL CENSUS (I.E., VOTER REGISTRATION).
THE LAW ESTABLISHING THE NATIONAL REGISTER, PREPARED IN DRAFT
BY THE ADVISORY COUNCIL, WILL NOT BE PASSED BY THE GOVERNMENT
UNTIL AFTER CONSULTATION WITH THE NATIONAL ELECTORAL TRIBUNAL.

H. EACH DEPARTMENT WILL ELECT ONE DEPUTY AND ONE ALTERNATE FOR
EACH 40,000 PERSONS OR FRACTION OVER 20,000, BASED UPON THE

LAST OFFICIAL CENSUS (ARTICLE 174).

I. DEPUTIES WILL BE ELECTED USING AN ELECTORAL QUOTIENT SYSTEM, I.E., THE NUMBER OF VALID VOTES WILL BE DIVIDED BY THE NUMBER OF DEPUTIES TO BE ELECTED. ALL CANDIDATES WHO RECEIVE VOTES OVER THE QUOTIENT WILL BE DECLARED ELECTED. IF THE DEPARTMENT IS TO HAVE MORE DEPUTIES THAN HAVE RECEIVED THE NECESSARY VOTES, THEN THE VACANCIES WILL BE FILLED ACCORDING TO WHO HAS RECEIVED THE HIGHEST NUMBER OF VOTES (ARTICLE 178).

5. COMMENT: THE COMPLICATED VOTER REGISTRATION PROCEDURES AND THE NEED TO ESTABLISH DEPARTMENTAL AND LOCAL ELECTORAL TRIBUNALS AS WELL AS THE REORGANIZATION OF THE POLITICAL PARTIES CAN BE EXPECTED TO TAKE MOST, IF NOT ALL OF 1978.
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